

REMARKS

Applicants first thank the Examiner for her time and assistance in granting a telephonic interview on May 1, 2003.

In response to Restriction Requirement mailed April 9, 2003, Applicants elect with traverse Group V, drawn to an antibody that specifically binds to an extracellular domain of the frizzled 5 receptor and a pharmaceutical composition comprising the antibody. Applicants select with traverse SEQ ID NO: 68 from now cancelled claim 10 as requested by the Examiner. Applicants have amended the claims to reflect the election. The amendments add no new matter.

The foregoing election is made with traverse. Applicants request that Groups I-X, each drawn to an antibody that specifically binds to an extracellular domain of a frizzled receptor protein, be examined together, as antibodies that bind to extracellular domains from frizzled receptors 1, 2 3, 4, 5, 6, 7, 8, 9, and 10 are embodiments within the breadth and scope of the definition of an antibody that specifically binds to an extracellular domain of a frizzled receptor protein.

Applicants note that original claim 1 is a genus claim linking the original dependent species claims 2-10. As such, upon allowance of a linking genus claim, the restriction requirement should be withdrawn with respect to the species claims. MPEP 809.03. Applicants further note that when the requirement for restriction is predicated upon the non-allowability of a generic linking claim, Applicant is entitled to retain in the case claims to the non-elected invention. If the generic linking claim is allowed, the Examiner must then examine non-elected claims to species falling within the genus. MPEP 809.04.

Finally, restriction of an application is discretionary. A restriction requirement is made to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. MPEP 803.01. Applicants respectfully submit that examining the

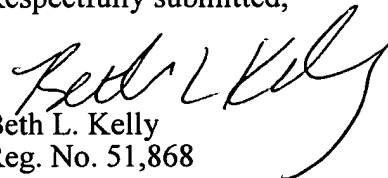
claims of Groups I-X together (antibodies that specifically bind to an extracellular domain of a frizzled receptor protein) would not place an undue burden on the Examiner. Applicants therefore respectfully request that the restriction requirement with respect to Groups I-X be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,


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